

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:)	
)	
ALFRED JACKSON, III,)	Case No. 13-14142-BFK
)	Chapter 13
Debtor.)	
_____)	

**OBJECTION TO ENTRY OF ORDER
OF DISMISSAL WITHOUT PREJUDICE**

COMES NOW secured creditor, John D. Raffaelli ("Raffaelli"), by counsel, and states the following in support of his Objection to Entry of Order of Dismissal Without Prejudice in favor of the Debtor, Alfred Jackson, III ("Jackson").

1. On September 11, 2013, Jackson filed a voluntary Chapter 13 case in the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, Case No. 13-14142-BFK.

2. On September 24, 2013, Jackson filed his first Chapter 13 Plan. Confirmation of the Plan was denied with leave to file a modified Plan.

3. On December 5, 2013, Jackson filed his First Amended Plan which replaced the unconfirmed Plan dated September 24, 2013. Confirmation of the First Amended Plan was denied with leave to file a modified Plan.

4. On February 7, 2014, Jackson filed his Second Amended Plan which replaced the unconfirmed Plan dated December 5, 2013. Confirmation of the Second Amended Plan was denied with leave to file a modified Plan.

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5. On April 11, 2014, Jackson filed his present Plan, the Third Amended Plan which replaced the unconfirmed Plan dated February 7, 2014.

6. The Third Amended Plan provided that funds to be paid to the Chapter 13 Trustee were to be advanced in cash by a relative of Jackson and held in the client escrow account of Sawyer & Azarcon, PC pending confirmation of Jackson's Plan by the Bankruptcy Court.

7. On April 16, 2014, Raffaelli filed a Limited Objection to Confirmation of Modified Chapter 13 Plan to ensure that he would be paid the sum of \$83,780.00, plus reasonable attorney's fees of \$9,463.75 incurred through April 1, 2014, additional attorney's fees incurred until the date of payment and post-petition per diem interest of \$101.00 from September 11, 2013.

8. On May 1, 2014, at the hearing on the Motion to Dismiss Case filed by the Chapter 13 Trustee, Raffaelli requested that the dismissal of the case be made with prejudice which the Court declined to do; however, the Court did state that if the next Plan was not confirmed then the dismissal would be with prejudice.

9. On May 5, 2014, the Chapter 13 Trustee filed an Objection to Confirmation of Plan based on the feasibility provisions of 11 U.S.C. § 1325(a)(6). Jackson has not made a Plan payment since January 2014 and has paid only \$4,720.00 in Plan payments to date and the \$275,000.00 cash payment from Jackson's relative described in the Plan has not been verified.

10. On May 22, 2014, secured creditor, Ford Motor Credit Company filed an Objection to Confirmation (Amended Chapter 13 Plan) and Notice of Objection and Hearing based on the default of an agreed Consent Order filed pursuant to Ford Motor Credit Company's Motion for Relief from Stay.

11. Based on the additional attorney's fees and costs incurred by secured creditor, John D. Raffaelli, the clear bad faith exhibited by Jackson, and the Objections to the Plan filed by the Chapter 7 Trustee and counsel for Ford Motor Credit Company, it is appropriate to dismiss this case with prejudice for a period of six (6) months.

WHEREFORE, for the reasons stated above, secured creditor, John D. Raffaelli, by counsel, prays that confirmation of the Debtor, Alfred Jackson, III's Amended Chapter 13 Plan be denied and that the Debtor, Alfred Jackson III's chapter 13 case be dismissed with prejudice not to refile for a period of six (6) months.

JOHN D. RAFFAELLI
By Counsel

LAW OFFICE OF JOHN T. DONELAN

/s/ John T. Donelan
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 2014 a true copy of the foregoing Objection to Entry of Dismissal Order Without Prejudice was sent first class mail, postage prepaid, to: Alfred Jackson, III, 6042 Edgewood Terrace, Alexandria, Virginia 22307; John D. Sawyer, Esquire, Sawyer & Azarcon, 10605 Judicial Drive, B-2, Fairfax, Virginia 22030; and Thomas P. Gorman, Trustee, 300 N. Washington Street, Suite, 400, Alexandria, Virginia 22314-2550.

/s/ John T. Donelan

JOHN T. DONELAN